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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,861	09/12/2000	Kamil Grajski	OCTEL-00700	6172

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/659,861

Applicant(s)

GRAJSKI, KAMIL

Examiner

Michael N. Opsasnick

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/17/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-28 is/are allowed.
- 6) ☒ Claim(s) 1-17 and 29-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 18-28 are allowable over the prior art of record.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyers et al (5715372) in view of Howes et al (6578007) in further view of Kopec et al (5883986).

As per claim 1, Meyers et al (5715372) teaches a human reviewer reviewing output of an information processing system (abstract, col. 1 lines 1-15) comprising:

“means for extracting an attribute from the output” as extracting a feature set (col. 2 lines 35-39);

“means for selecting.....based on the attribute” as matching the eight signal characteristics with the speakers used for the MOS test, and using the score to rate the system (col. 7 lines 13-47).

Meyers et al (5715372) teaches selecting eight signal characteristics from the eight speakers during the training session, not from the eventual output of the results. Meyers et al (5715372) does not explicitly teach using the output results to choose the transcripitor, however, Howes et al (6578007) teaches choosing the transcriptionist based on attributes from the report (col. 2 lines 4-13). Therefore, it would have been obvious to one of ordinary skill in the art of transcription services to modify the teachings of Meyers et al (5715372) with transcription assignment because it could advantageously handle higher priority transcriptions according to various rules (Howes et al (6578007), col. 2 lines 8-16).

The combination of Meyers et al (5715372) in view of Howes et al (6578007) teaches automatically transcribing by an information processing system (Howes et al (6578007), abstract, col. 2, lines 38-50), as well as choosing from a plurality of reviewers (Howes et al (6578007), col. 2 lines 4-10). However, the combination of Meyers et al (5715372) in view of Howes et al (6578007) does not explicitly teach wherein the keyword is determined by comparing the document to a database of keywords with automatically modifying the transcription, however, Kopec et al (5883986) teaches automatically transcribing the input (abstract) using keywords to match the document to the dictionary (col. 10 lines 22-44). Therefore, it would have been obvious to one of ordinary skill in the art of transcription to modify the combination of Meyers et al

Art Unit: 2626

(5715372) in view of Howes et al (6578007) with automatically transcribing using keywords because it would offer the advantage of an automatic routine with using words/dictionary pertaining to a particular application/field (Kopec et al (5883986)), col. 10 lines 20-55).

As per claims 2,3, the combination of Meyers et al (5715372) in view of Howes et al (6578007) in further view of Kopec et al (5883986) teaches using the speaker that are familiar with the MOS parameters (Meyers et al (5715372)), col. 7 lines 38-45).

As per claim 4, the combination of Meyers et al (5715372) in view of Howes et al (6578007) in further view of Kopec et al (5883986) teaches transmission of the information (Meyers et al (5715372)), col. 7 lines 43-45)

As per claim 5, the combination of Meyers et al (5715372) in view of Howes et al (6578007) in further view of Kopec et al (5883986) teaches error testing (Meyers et al (5715372)), col. 7 lines 45-48).

4. Claims 6-17,29-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kahn et al (6122614) in further view of Kopec et al (5883986) in further view of Romano et al (5991595).

As per claims 6,7,8,29, Kahn et al (6122614) teaches a text transcription system with speech recognition (speech input converted to text) comprising (Kahn et al

Art Unit: 2626

(6122614), col. 1 lines 1-10, col. 2 lines 15-25) word extraction allowing the user/operator to review the comparison (col. 2 line 40-55). Kahn et al (6122614) also teaches allowing the user to edit/review the selections during a training phase of the system, including storing information about the user/reviewer (Kahn et al (6122614), col. 3 lines 9-25; col. 6 line 56 – col. 7 line 20; col. 7 lines 45-55; col. 8 lines 2-28).

Kahn et al (6122614) does not explicitly teach wherein the keyword is determined by comparing the document to a database of keywords with automatically modifying the transcription, however, Kopec et al (5883986) teaches automatically transcribing the input (abstract) using keywords to match the document to the dictionary (col. 10 lines 22-44). Therefore, it would have been obvious to one of ordinary skill in the art of transcription to modify Kahn et al (6122614) with automatically transcribing using keywords because it would offer the advantage of an automatic routine with using words/dictionary pertaining to a particular application/field (Kopec et al (5883986) ,col. 10 lines 20-55).

The combination of Kahn et al (6122614) in further view of Kopec et al (5883986) does not explicitly teach selecting a reviewer based on the keyword, however, Romano et al (5991595) teaches choosing the reviewer based on a correlation between the information of the document and the reviewer's ratings, and from a plurality of reviewers (Romano et al (5991595), col. 4 lines 39-44). Therefore, it would have been obvious to one of ordinary skill in the art of document transcription to modify the teachings of the combination of Kahn et al (6122614) in view of Kopec et al (5883986) to include a selection of reviewers based on performance because

Art Unit: 2626

it would advantageously choose a reviewer matched with the subject matter, as well as improving quality assurance (Romano et al (5991595), col. 3 lines 9-14; col. 4 lines 25-33).

As per claims 9,30, the combination of Kahn et al (6122614) in view of Kopec et al (5883986) in view of Romano et al (5991595) teaches updating the profile of the reviewers (Romano et al (5991595), col. 4 lines 20-25)

As per claims 10-12,31, the combination of Kahn et al (6122614) in view of Kopec et al (5883986) in view of Romano et al (5991595) teaches the reviewer profile to match topic, volume of samples, and volume of candidate samples (Romano et al (5991595), col. 4 lines 62-67)

As per claim 13, the combination of Kahn et al (6122614) in view of Kopec et al (5883986) in view of Romano et al (5991595) teaches adjusting the profile based on the user's input (Kahn et al (6122614), col. 7 lines 46-60)

As per claims 14,34, the combination of Kahn et al (6122614) in view of Kopec et al (5883986) in view of Romano et al (5991595) teaches updating the list of reviewers (Romano et al (5991595), col. 10 lines 23-35)

As per claims 15,16,32,33, the combination of Kahn et al (6122614) in view of Kopec et al (5883986) in view of Romano et al (5991595) teaches showing the potential matches of the

Art Unit: 2626

unmatched word, in addition to providing more possible matches to the unmatched word (showing different degrees of possibilities, or confidence), using audible clues from the program, including repeating the output (Kahn et al (6122614), col. 9 lines 35-40, col. 9 lines 55-64).

As per claim 17, the combination of Kahn et al (6122614) in view of Kopec et al (5883986) in view of Romano et al (5991595) teaches selection of a portion of the document (fig. 5)

As per claim 35, the combination of Kahn et al (6122614) in view of Kopec et al (5883986) in view of Romano et al (5991595) teaches correcting the transcripts (Kahn et al, col. 9 lines 55-64)

As per claim 36, the combination of Kahn et al (6122614) in view of Kopec et al (5883986) in view of Romano et al (5991595) teaches feedback to the user (Kahn, fig. 2b, subblock 310).

Response to Arguments

5. Applicant's arguments filed 2/17/06 have been fully considered but are moot in view of the new grounds of rejection. Examiner notes the introduction of the Kopec reference to address the keyword features and automatic transcriptions.

Art Unit: 2626


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno
5/11/06



Michael N. Opsasnick
Examiner
Art Unit 2626